

Message Text

UNCLASSIFIED

PAGE 01 KUALA 04097 300847Z
ACTION SCS-05

INFO OCT-01 EA-09 ISO-00 SCA-01 L-03 DHA-02 H-02
INR-07 /030 W

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P 300433Z JUN 77
FM AMEMBASSY KUALA LUMPUR
TO SECSTATE WASHDC PRIORITY 7754

UNCLAS KUALA LUMPUR 4097

FOR SCS

E.O. 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICNS ARRESTED ABROAD

REF: STATE 147704

1. FOLLOWING PARAGRAPHS CORRESPOND TO REFTEL BASED ON INFO
PROVIDED BY SENIOR ASSISTANT REGISTRAR OF FEDERAL COURT, KUALA
LUMPUR:

2. A. LEGAL COUNSEL OF "PUBLIC DEFENDER TYPE" IS PROVIDED ONLY IN
CAPITAL CRIMES CASES IN WHICH POSSIBILITY OF DEATH SENTENCE EXISTS.
"PUBLIC DEFENDER" IS SELECTED AT RANDOM FROM AMONG PRACTICING
ATTORNEYS. REGISTRAR INDICATED THAT ATTORNEY SELECTED IS PAID BY
MALAYSIAN GOVT UP TO MAXIMUM OF M\$100 PER DAY (U.S. \$40), HOWEVER
IN REALITY IT WOULD PROBABLY BE CONSIDERABLY LESS. THIS ASSISTANCE
PROVIDED TO ANYONE, INCLUDING U.S. NATIONALS, IF UNABLE RETAIN
PRIVATE COUNSEL. ATTORNEYS MUST HAVE T LEAST FIVE YEARS
EXPERIENCE.

2. B. YES.

2. C. QUALITY OF PUBLIC-FUNDED LEGAL CUUNSEL REPORTEDLY VARIES,
DEPENDENT ON ATTORNEY FINALLY DESIGNATED TO REPRESENT ACCUSED.
REGISTRAR NOTED THAT SOME ATTORNEYS CHOSEN ARE ABLE TO AVOID
"CONSCRIPTION", THUS THE RESULTANT QUALITY OF REPRESENTATION
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RANGES FROM EXCELLENT TO POOR.
FYI: REGISTRAR ALSO INDICATED THAT "LEGAL AID" ASSISTANCE IS
PROVIDED, BASED ON INCOME OF DEFENDENT, BUT SUCH ASSISTANCE IS
AVAILABLE ONLY FOR LESS SERIOUS OFFENSES AND IS RESTRICTED TO
MALAYSIAN CITIZENS ONLY. FOREIGN NATIONALS DO NOT REPEAT NOT
QUALIFY.
MILLER

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NNN

Message Attributes

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